

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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In re: Chapter 13  
RUDY V. BYRON, JR. Case No. 15-21670-svk  
and MARITZA Y. BYRON,  
Debtors.

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ORDER APPROVING STIPULATION

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The Court has reviewed the Stipulation filed on this 18<sup>th</sup> day of January, 2017, between the Debtors and Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Trustee for the Primestar – H Fund I Trust resolving the Motion for Relief from Stay and Abandonment as to 5134 Pine Tree Circle, Racine, Wisconsin 53402, (the “Property”). The Stipulation includes a “doomsday provision” for a payment that may be overdue by the time this Order becomes effective.

IT IS THEREFORE ORDERED: the Stipulation, which is attached to this order, is approved, and the parties are authorized to act in accordance with its terms.

IT IS FURTHER ORDERED: the Court will not enforce a “doomsday provision” (but

Attorney D. Alexander Martin  
O'Dess and Associates, S.C.  
1414 Underwood Avenue, Suite 403  
Wauwatosa, WI 53213  
(414)727-1591  
(414)727-1590 fax

may enforce a letter renewal to which no objection was filed) for any post-petition payment defaults prior to the effective date of this Order. The effective date of this Order is 14 days after entry.

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UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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In re: Chapter 13  
RUDY V. BYRON, JR. Case No. 15-21670-svk  
and MARITZA Y. BYRON,  
Debtors.

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STIPULATION ON MOTION FOR RELIEF FROM AUTOMATIC STAY AND  
ABANDONMENT OF WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN  
ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE PRIMESTAR – H  
FUND I TRUST

RE: PROPERTY LOCATED AT:  
5134 Pine Tree Circle, Racine, Wisconsin 53402

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Whereas, Debtors having filed an objection to the Motion for Relief from Automatic Stay and Abandonment of Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Trustee for the Primestar – H Fund I Trust (“Movant”); and,

Whereas, the parties having arrived at an agreement resolving the post-petition default set forth in the Motion;

Now, Therefore, It Is Hereby Stipulated and Agreed as follows:

**TERMS:**

1. That Debtors are due for the post-petition regular monthly payment for January 1, 2017 in the amount of \$3,112.74, total; less suspense funds of \$67.58; plus, \$650.00 for

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attorneys' fees and \$176.00 for costs for the Motion for Relief. The Standing Trustee is authorized and directed to pay from funds of the estate a supplemental claim filed pursuant to an Order on this Stipulation.

2. That Movant is relieved of its duty pursuant to Rule 3002 to file and serve a notice of post-petition fees, expenses and charges included in this Stipulation.

3. That commencing with the January 1, 2017 payment, Debtors shall resume making regular post-petition mortgage payments directly to Movant when due. Until further notice, the monthly payment is \$3,112.74 and monthly payments shall be sent exclusively to: BSI Financial Services, 1425 Greenway Drive, Suite 400, Irving, Texas 75038.

4. That Movant is granted a doomsday provision on all heretofore tendered payments and on all payments from January 1, 2017, through June 1, 2017. That, if any previously tendered payments return insufficient funds or if Debtors for any reason fail to timely make any payment due beginning January 1, 2017, through June 1, 2017, upon the filing of a statement of default with notice to Debtors and counsel for Debtors, Movant shall be entitled to an order granting the relief requested in the original motion, including relief from automatic stay and abandonment.

5. That in the event Debtors fail to timely make any payment to Movant or breach any of the remaining terms and conditions of the note and mortgage, Movant may renew its Motion for Relief from Automatic Stay and Abandonment for the remainder of this case by letter

Drafted by:

O'Dess and Associates, S.C.  
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request to the Court and without the need to pay an additional filing fee.

Dated this 18<sup>th</sup> day of January, 2017.

O'DESS AND ASSOCIATES, S.C.  
Attorneys for Movant

By: D. Alexander Martin  
State Bar ID No. 1046591

Dated this 17<sup>th</sup> day of January, 2017.

REED PETERSON & ASSOCIATES LLC  
Attorneys for Debtor

By: Reed J. Peterson  
State Bar ID No. 1022323

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

NO OBJECTION:

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Mary B. Grossman, State Bar ID No. 1030684  
Robert W. Stack, State Bar ID No. 1033733  
Sandra M. Baner, State ID No. 1018992  
Christopher Schimke  
Office of Chapter 13 Standing Trustee

request to the Court and without the need to pay an additional filing fee.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

O'DESS AND ASSOCIATES, S.C.  
Attorneys for Movant

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By: D. Alexander Martin  
State Bar ID No. 1046591

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

REED PETERSON & ASSOCIATES LLC  
Attorneys for Debtor

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By: Reed J. Peterson  
State Bar ID No. 1022323

Dated this 11<sup>th</sup> day of January, 2017.

NO OBJECTION:



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Mary B. Grossman, State Bar ID No. 1030684  
Robert W. Stack, State Bar ID No. 1033733  
Sandra M. Baner, State ID No. 1018992  
Christopher Schimke  
Office of Chapter 13 Standing Trustee